

**MINUTES OF REGULAR MEETING OF THE
AMITE RIVER BASIN DRAINAGE & WATER CONSERVATION DISTRICT**

3535 S. Sherwood Forest Boulevard, Suite 135, Baton Rouge, LA

February 16, 2016

MEMBERS PRESENT DURING ROLL CALL: Don Thompson, Ben Babin, Anthony “Tony” Rouchon, Jerry Thibeau, John Brass,
David Hoover, Terry Louque, Kenneth Wade Welborn, William “Carey” Jenkins

MEMBERS ABSENT: Larry Thomas, Willie George Lee

NOTE: Vacant Seat(s) Livingston Parish, St. Helena Parish

ALSO PRESENT: ARBC Executive Director Dietmar Rietschier, ARBC Legal Counsel Larry Bankston

1. The meeting was called to order at 6:00 p.m. by Thompson.
2. Prayer/Pledge of Allegiance
3. Public Comments on Agenda Items: See below.
4. Minutes

The Board unanimously approved a motion by Rouchon, second by Hoover to approve the January 2016 regular meeting minutes as presented.

5. Financial Statement Report

Rouchon presented to the Board the January 2016 General Fund and CRDC Fund financial statements. The Board unanimously approved a motion by Hoover, second by Thibeaux to approve the January 2016 General Fund and CRDC Fund financial statements.

6. Report by Executive Director - Discussed the following items:

- CRDC: Discussed the following:
 - Rietschier reported that the contractors are working on the bypass road, moving dirt to start construction of the road very quickly. The PCT meeting was last Monday. They discussed the funding of the project. Some rules were enacted regarding in-kind services for projects by the USACE. He reviewed them and it appears the CRDC Project would qualify. The federal funds are to do construction. The USACE received this year \$4 million to utilize for design work for future features. These funds expire by September 30, 2016 if not used. Rietschier would like to see the \$4 million dedicated to construction. He would like to combine this with local funds, approximately \$16 million, to do construction. This would give a better chance to receive federal and state funding. This would require advancing money which under the new regulations is allowed. Rietschier said decisions need to be made. Rouchon asked if the ARBC would get the funds back if it fronts \$12 million for construction. Bankston said the money would not be reimbursed. It would be considered as credits. Rouchon said this would leave the ARBC without funds to continue LERRDS. He said we would have a bridge but no money to do the remainder of our part. Rietschier said money will be coming in until 2020. If we focus 5 years in getting right-of-way for Phase 1, we would have to buy the right-of-way for the canal and mitigation. Rietschier said in our agreements with the USACE and DOTD, ARBC contributes from proceeds of the tax dollars so if we can't do it the DOTD would have to. Bankston said one thing to consider is a physical structure in sight of the public would show the tax payers that construction is being done. Discussed the shoofly and bridge construction, demolitions, detours, bypass etc. Rouchon said that \$16 million would not build all of this, and that estimates are needed. Bankston said that first it needs to be determined if an in-kind contribution can be made. Based upon the regulations, it appears that it can but because of the age of the project these rules may not apply. We are waiting on a determination. We are at our 5% requirement limit on cash contributions unless there is an in-kind provision. Rouchon believes spending tax funds on in-kind contributions is a mistake since ARBC has already met its 5% requirement. He said that LERRDS is ARBC responsibility, not construction of bridges. Rietschier said when he requests an estimate on the construction of the bridge; it will include everything to build it. He believes it will open the door for future federal funding. Once the in-kind determination and the cost estimate are received the Board needs to make a decision. He said this is why he hired Stantec to do a cost estimate of the utility relocations. The USACE will provide a cost estimate for the construction of the bridges. He is now going to get them to do an estimated cost of the bridges. Once ARBC receives the numbers then decisions can be made.
 - DOTD Report: DOTD Real Estate is wrapping up on the mitigation parcels. These parcels are from willing sellers and are both right-of-way and mitigation. The acquisitions will allow us to meet the mitigation requirements for all of Functional Element 1. DOTD Location and Survey is collecting data from USACE to begin marking the boundaries of the Design Memorandum Lines. This will allow us to begin discussions with the landowners that have only part of their property within the right of way. DOTD Environmental is waiting to hear back from DEQ in regards to the Beechgrove Farms property. The landowner had hired a consultant to perform the work to clean up the property. All utilities have been relocated for the bypass road. DOTD Project Management is working to set up a meeting between the Non-Federal partners to discuss the permitting process. This will create a path forward for the

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future utility relocations. Hoover asked if they have estimates on the right of way and mitigation parcels in McHugh Swamp. Delmar said they are finalizing details on some negotiations. Some are vacant properties. There are a few locations where they are working with the landowners. The main focus is the right of way properties. Bankston said somewhere in the amount of \$3 million worth of expenditures for property, some small and some very large pieces. Hoover said it is something to consider if we are discussing spending \$12 million in construction. Rietschier said ARBC share would be approximately 1.5 million so that would be no issue. Rietschier stated that it is time to make decisions to do whatever it takes to move forward. Delmar advised the board that he is arranging a meeting with DOTD legal staff concerning the need for the permitting rules. This meeting has not yet been set.

7. Report by ARBC Legal Counsel:

- A set of draft permitting rules has been prepared based on the permitting rules of DOTD. Bankston explained that when pipelines and utilities are relocated a procedure must be followed. EBR Parish will need to be in agreement with the policy and procedures that ARBC adopts because this project will be their responsibility once it is constructed. At this time, EBR Parish has no rules and regulations for relocation of utilities. He contacted the parish attorney office regarding this. Currently, they negotiate for the best engineering and relocation of particular projects with utility relocations. A meeting is being set up with ARBC, DOTD, and EBR Parish to discuss what kind of rules and regulations are needed, if any at all, or can we say as long as ARBC is the owner of the property we will negotiate with you concerning the relocations of any right-of-ways. Rietschier said he has contacted several levee districts regarding the necessity of rules and regulations for utility relocations. They hire a consultant and contractor and have no rules and regulations adopted.
- Bankston told the Board that with the election of a new governor, if they are interested in continuing to serve as Board members they need to contact their senators to let them know.

8. Old Business: None

9. New Business

- Act of Sale – Tract No. 42 – The Board unanimously approved a motion by Rouchon, second by Hoover to approve Resolution 1122, as presented.
- Public Comment: Mr. Jay Watson spoke saying he appreciates all the efforts of the ARBC to move this project forward. He agrees with trying to construct a bridge first so that the public can see construction being done, etc.

10. The Board unanimously approved a motion by Rouchon, second by Hoover to adjourn the meeting.

APPROVED:

/s/ Don Thompson
Don Thompson, ARBC President
Date: March 15, 2016

/s/ Toni B. Guitrau
Toni B. Guitrau, Executive Secretary